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EXAMINER
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PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/827,917

Applicant(s)

HURTTA ET AL.

Examiner

Thomas K. Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Response to Amendment**

1. This action is in response to the amendment filed 3/21/2005.
2. New claims 27-30 have been entered.
3. Applicant's amendment, with respect to the addition of claims 27-30 and the new issue of claims 1 and 14, necessitated the new ground(s) of rejection presented in this Office action.

**Quotations of U.S. Code Title 35**

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

8. Claims 1-10, 13-23 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,654,610 ("Chen").

#### **Regarding claim 1**

Chen teaches providing an announcement in a communications network, comprising:

- setting up a first level communication session for a first network element (col. 4 lines 3-9, [It is assume that the first level communication level has already been established]);
- determining, by the communication network, that an announcement is to be played to the first network element (similar to limitation above, it is assume that the first level communication level has already been established);
- sending an identity of a second network element which is to play the announcement on said first level communication session to the first network element (see all figures from FIG. 3A to FIG. 7);
- setting up a second level communication session by the first network element (see all figures from FIG. 3A to FIG. 7);
- setting said second level communication session parameters in accordance with the transmitted identity including initiating modification of communication channel parameters based on identity of the second network element (see all figures from FIG. 3A to FIG. 7 and col. 4 lines 32-42); and
- playing the announcement to the first network element (see all figures from FIG. 3A to FIG. 7).

#### **Regarding claim 14**

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Chen teaches a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method of providing an announcement in a communications network, the method comprising:

- setting up a first level communication session for a first network element (col. 4 lines 3-9, [It is assume that the first level communication level has already been established]);
- determining, by the communications network, that an announcement is to be played to the first network element (similar to limitation above, it is assume that the first level communication level has already been established);
- sending an identity of a second network element which is to play the announcement on said first level communication session (see all figures from FIG. 3A to FIG. 7);
- setting up a second level communication session by the first network element (see all figures from FIG. 3A to FIG. 7);
- setting said second level communication session parameters in accordance with the transmitted identity including initiating modification of communication channel parameters based on identity of the second network element (see all figures from FIG. 3A to FIG. 7 and col. 4 lines 32-42); and
- playing the announcement to the first network element (see all figures from FIG. 3A to FIG. 7).

#### **Regarding claim 27**

Chen teaches for a communications network comprised of network elements, one or more network element being a mobile terminal configured such that for an originating call a mobile terminal is responded to by an announcement from another network element in accordance with:

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- setting up a first level communication session for the mobile terminal (col. 4 lines 3-9, [It is assume that the first level communication level has already been established]);
- determining, by the communications network, that an announcement is to be played to the mobile terminal (similar to limitation above, it is assume that the first level communication level has already been established);
- sending an identity of a network element which is to play the announcement on said first level communication session to the first network element(see all figures from FIG. 3A to FIG. 7);
- setting up a second level communication session by the mobile terminal based on parameters received from the communication network conforming to identity of the network element (see all figures from FIG. 3A to FIG. 7 and col. 4 lines 32-42); and
- playing the announcement to the mobile terminal (see all figures from FIG. 3A to FIG. 7).

#### **Regarding claim 28**

Chen teaches for a communications network comprised of network elements, one or more network element being configured so that for an originating call an announcement is made from a network element in response to a call setup to the called party in accordance with:

- setting up of a first level communication for a first network element (col. 4 lines 3-9, [It is assume that the first level communication level has already been established]);
- determining, by the communications network, that an announcement is to be played to the first network element (similar to limitation above, it is assume that the first level communication level has already been established);

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- sending an identity of a second network element which is to play the announcement on said first level communication session to the first network element (see all figures from FIG. 3A to FIG. 7); and
- setting up a second level communication session between the first network element and the communication network in accordance with the transmitted identity of the second network element in which the second network element plays the announcement to the first network element (see all figures from FIG. 3A to FIG. 7 and col. 4 lines 32-42).

**Regarding claims 2 and 15**

Chen teaches the transmitted identity comprises an IP (Internet Protocol) address (col. 6 lines 24-28).

**Regarding claims 3 and 16**

Chen teaches transmitted identity comprises a port number (col. 6 lines 24-28).

**Regarding claims 4 and 17**

Chen teaches the transmitted identity comprises a TA (Transport Address) (col. 6 lines 24-28).

**Regarding claims 5-8 and 18-21**

Chen teaches the communication session comprises a PDP (Packet Data Protocol) Context (title).

**Regarding claims 9 and 22**

Chen teaches the first network element comprises an MS (Mobile Station) (col. 4 lines 27-31).

**Regarding claims 10 and 23**

Chen teaches the communication session comprises at least one PDP context (see FIG. 3A - 7).

### **Claim Rejections - 35 USC § 103**

9. Claims 11-12 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,621,793 ("Widegren").

#### **Regarding claims 11 and 24**

Chen does not teach parameters comprising filtering information. However, Widegren teaches the parameters including a packet filtering (col. 7 lines 45-52, "FIG. 14 shows the TFT ... the packet filter contents") for the purpose of ensuring that packets are forwarded in the appropriate GPRS Tunneling Protocol tunnel. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the filtering of Widegren with the communication networks of Chen because it would provide for the purpose of ensuring that packets are forwarded in the appropriate GPRS Tunneling Protocol tunnel.

#### **Regarding claims 12 and 25**

Widegren teaches filtering information comprise a Traffic Flow Template (TFT) (col. 7 lines 32-44, "A TFT is a packet filter ... may be modified as well").

#### **Regarding claims 13 and 26**

Widegren teaches communication channel parameters are set by including a TA (Transport Address) in a TFT (Traffic Flow Template) (col. 7 lines 45-52, "FIG. 14 shows the TFT ... the packet filter contents").

10. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of U.S. Patent Application Publication No. 2002/0034166 ("Barany").



**Regarding claim 29**

Chen teaches a communications network comprised of network elements but does not specifically disclose the second network element is a CSCF (Call State Control Function-support) equipment.

However, Barany teaches a communication network including a second network element is a CSCF (see FIG. 7A) for the purpose of providing call control for a packet-based communication session (see page 2 paragraph 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the second network element as a CSCF of Barany with the communication network of Chen because it would provide for the purpose of providing call control for a packet-based communication session.

**Regarding claim 30**

Barany teaches the first network element is a mobile terminal and the second network element is a CSCF (Call State Control Function-support) equipment (see FIG. 7A).

***Response to Arguments***

11. Applicant's arguments with respect to claim 1-26 have been considered but are moot in view of the new ground(s) of rejection.

U.S. Patent 6,654,610 ("Chen") teaches all the limitations of claims 1, 14, 27 and 28 including setting up the secondary communication level by the first network element and initiating modification of communication of communication channel parameters based on the identity of the second network element (see col. 4 lines 32-42 and the figures 3A-7).

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*Conclusion*


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
Patent Examiner

  
June 2, 2005  
**Anthony Knight**  
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